

(2004) 09 MAD CK 0079

In the Madras High Court

Case No : Writ Petition No's. 9678 to 9684 of 1997

A. Antony

APPELLANT

Vs

The State of Tamil Nadu and Others

RESPONDENT

Date of Decision : 20-09-2004

Acts Referred:

Citation : (2004) 09 MAD CK 0079

Hon'ble Judges : V. Kanagaraj, J

Bench : Single Bench

Advocate : T.M. Hariharan, for the Appellant; M. Mahalingam, Government Advocate for R1 to R4 and G.S. Thamby, for R5, for the Respondent

Final Decision : Allowed

Judgement

V. Kanagaraj, J.—The above writ petitions have been filed praying to issue a writ of certiorarified mandamus, to call for the records of the first respondent in G.O.Ms.No.1381 Education dated 5.10.90 and to quash the said G.O. insofar as it is against the petitioners and consequently direct the respondents 1 to 4 to treat the petitioners as Elementary School Headmasters and award the consequential higher pay in the post of Elementary School Headmaster with effect from 1.6.88 by counting their earlier services as Secondary Grade Teacher as well as Primary School Headmasters as awarded to the Elementary School Headmasters, who are holding the said post as on 1.6.1988.

2. Today, when the above matter was taken up for consideration, learned counsel for the petitioners would submit that prior to 1.6.1988, the scales of pay of secondary grade teachers and headmasters of primary schools were identical; that various associations of teachers represented to the Government to issue necessary orders for the award of selection grade and special grade to the headmasters of primary schools counting their total service rendered both in the post of secondary grade teachers and headmasters of primary schools; that accordingly, the Government issued the impugned G.O., directing that the Headmasters of primary schools under the government, local bodies and all kinds

of managements, who were in position on 1.6.1988 be awarded selection grade and special grade; that the petitioners are all the headmasters of primary schools before 1.6.1988 and the said benefits were denied to them though they were fully qualified to hold the said post and in fact served as Headmasters of elementary schools prior to 1.6.1988 and hence would pray for the relief extracted supra.

3. In consideration of the facts pleaded, having regard to the materials placed on record and upon hearing the learned counsel appearing for the petitioners as well as the respondents, this Court is of the considered view that the Government Order impugned is making a distinction for no reasons assigned and since the Constitution forbids discriminatory treatment, but permits only reasonable classification, and since no such classification has been made for giving revised salary or status to those who have been working as Headmasters as on 1.6.1988 and denying the same to the Secondary Grade Teachers, who were till then similarly placed with the Headmasters, the impugned Government Order becomes liable to be quashed insofar as the petitioners are concerned and hence the following order:-

In result,

(i) the writ petitions are allowed, quashing the Government Order in G.O. Ms. No. 1381 dated 5.10.90, insofar as the petitioners are concerned.

(ii) However, there shall be no order as to costs.